TFW

PATENT 29939/38936A

Application No. 10/726,057 Response dated September 13, 2004 Reply to Office Action of August 13, 2004

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Stephanie K. Schneider	) I hereby certify that this paper and
et al.	) 'the documents referred to as
	) enclosed therewith are being
Serial No.: 10/726,057	) deposited with the United States
	) Postal Service as first class mail,
Filed: December 2, 2003	) postage prepaid, on September 13,
	) 2004, in an envelope addressed to
For: SYSTEM AND METHOD TO	) Commissioner for Patents, P.O.
INFORM OF OPTIMAL PET	) Box 1450, Alexandria, Virginia
BRUSHING CRITERIA AND	) 22313-1450
PACKAGING USING THE SAME	Martha Bly
Group Art Unit: 3643	) Matthias Abrell
Examiner: Andrea M. Valenti	) Reg. No. 47,477
Examiner: Andrea M. Valenti	) Attorney for Applicant

## RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450

Dear Sir:

This paper is submitted in response to the Office Action having a mail date of October 13, 2004. Applicants hereby provisionally elect for examination on the merits, without traverse, the claims of Group II, i.e., claims 8-21. In doing so, the Applicants do not intend to abandon the scope of the non-elected claims as originally filed, but may pursue the non-elected claims in a divisional application.

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No additional fee is believed due at this time. However, the Commissioner is hereby authorized to charge any fee deficiency, or to credit any overpayments, to Deposit Account No. 13-2855 of the undersigned's firm.

Respectfully submitted,

MARSHALL, GERSTEIN & BORUN LLP

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September 13, 2004

By:

Matthias Abrell Reg. No. 47,377